

Remarks

The instant Office Action dated May 14, 2007, notes the following rejections: claims 1-2, 6 and 8 stand rejected under 35 U.S.C. § 112(2); claim 8 stands rejected under 35 U.S.C. § 101; and claims 1-8 stand rejected under 35 U.S.C. § 102(e) over Vintage Global (GB 2 367 219A).

Applicant respectfully traverses the § 112(2) rejection of claims 1-2, 6 and 8 because these claims do particularity point out and distinctly claim the subject matter which Applicant regards as the invention. In response to the Office Action's question regarding what type of client configuration would permit "the client being intended to decode a subset of streams within a set of streams" and "configuring the client so that the client can decode all the streams within the set of streams", Applicant submits that it would be clear to the skilled artisan that the client is configured to decode all of the streams of the set, but the client only actually decodes a subset of streams of the set. *See, e.g.*, Figure 1 and Paragraph 0027 of Applicant's disclosure. Applicant notes that the language "the client being intended to decode a subset of streams" is no longer present in the claims. In response to the Office Action's question regarding how the client can play all the streams when only a subset of the streams is not muted, Applicant notes that claims 1-2, 6 and 8 do not state that the client plays all of the streams. For example, claim 1 contains the limitation of playing all the streams within the set of streams; however, claim 1 does not mention that the client plays all the streams. Thus, Applicant submits that there is no contradictory functionality in these claims relating to playing all the streams and muting all streams except the subset of streams. Accordingly, the § 112(2) rejection of claims 1-2, 6 and 8 is improper and Applicant requests that it be withdrawn.

In response to the § 101 rejection of claim 8, Applicant has amended claim 8 to recite a "computer program on a signal-bearing medium". Applicant submits that a "signal-bearing medium" is recognized as statutory subject matter as is evidenced by a search of the USPTO's own database, which includes over 250 issued patents that claim a "signal-bearing medium." *See, e.g.*, U.S. Patent No. 7,072,824, U.S. Patent No. 7,027,830 and U.S. Patent No. 6,880,040. Therefore, Applicant requests that the § 101 rejection of claim 8 be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claims 1-8 because the Vintage Global reference does not qualify as prior art under § 102(e). According to M.P.E.P. § 706.02(f)(1), “The potential reference must be a U.S. patent, a U.S. application publication (35 U.S.C. 122(b)) or a WIPO publication of an international application under PCT Article 21(2) in order to apply the reference under 35 U.S.C. 102(e).” The Vintage Global reference is a publication of a UK Patent Application, and as such, is not a U.S. patent, a U.S. application publication or a WIPO publication of an international application. Thus, the Vintage Global reference does not qualify as prior art under § 102(e). Accordingly, the § 102(e) rejection of claims 1-8 is improper and Applicant requests that it be withdrawn.

Applicant further submits that the § 102(e) rejection of claims 1-8 cannot stand because the cited portions of the Vintage Global reference do not correspond to the claimed invention which includes, for example, aspects directed to configuring the client so that the client can decode each of the streams within the set of streams. The cited portions of Vintage Global do not mention configuring target 34.1 such that it can decode each of the plurality of output data streams that are generated by channel manager 30. *See, e.g.*, Figure 3 and the related discussion. Accordingly, Applicant requests that the § 102(e) rejection of claims 1-8 be withdrawn.

Applicant further traverses the § 102(e) rejection of claim 2 because the cited portions of the Vintage Global reference do not correspond to aspects of the claimed invention directed to muting all the streams of the set except for the subset in response to a request from the client in accordance with the MUTE/UNMUTE extension of the Real Time Streaming Protocol. Applicant has reviewed the cited portions of Vintage Global and can find no mention of using the Real Time Streaming Protocol. Accordingly, the § 102(e) rejection of claim 2 is improper and Applicant requests that it be withdrawn.

Applicant has added new claims 9-19, which depend from either claim 1, 3, 6 or 7. Applicant submits that claims 9-19 are allowable over the Vintage Global reference for at least the reasons discussed above in connection with the § 102(e) rejection of claims 1-8.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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